

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

**UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,**

Plaintiff,

v.

SCANA CORPORATION, et al.,

Defendants.

Civil Action No. 3:20-cv-00882-MGL

**PLAINTIFF’S MOTION FOR ENTRY OF FINAL JUDGMENT
AGAINST DEFENDANTS SCANA CORPORATION
AND DOMINION ENERGY SOUTH CAROLINA, INC.**

Plaintiff United States Securities and Exchange Commission (“SEC”) respectfully requests that the Court enter the attached Final Judgment against Defendants SCANA Corporation and Dominion Energy South Carolina, Inc. (f/k/a South Carolina Electric & Gas Company) (collectively, “the SCANA Defendants”). In support of this motion, the SEC states as follows:

1. The SEC alleged in the complaint that the SCANA Defendants, along with former CEO Kevin Marsh and former Executive Vice President Stephen Byrne, misled investors about a project to build two nuclear units. The complaint alleged that the false statements and omissions enabled the SCANA Defendants to boost its stock price, sell more than \$1 billion in bonds, and obtain regulatory approval to raise customers’ rates to finance the project. The SEC alleged that, based on their conduct, the SCANA Defendants violated the antifraud provisions of the federal securities laws and committed certain reporting violations. The SEC also asserted claims against Marsh and Byrne.

2. The SEC and the SCANA Defendants have been able to resolve the claims against them without further Court intervention.

3. Specifically, as the attached Consent of Defendants SCANA Corporation and Dominion Energy South Carolina, Inc. reflects, the SCANA Defendants agree, without admitting or denying the allegations of the complaint, to the entry of the attached Final Judgment that:

(a) permanently restrains and enjoins the SCANA Defendants from violating Section 10(b) of the Securities Exchange Act of 1934 (“Exchange Act”) [15 U.S.C. § 78j(b)] and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5];

(b) permanently restrains and enjoins the SCANA Defendants from violating Section 17(a) of the Securities Act of 1933 (“Securities Act”) [15 U.S.C. § 77q(a)];

(c) permanently restrains and enjoins the SCANA Defendants from violating Section 13(a) of the Exchange Act [15 U.S.C. § 78m(a)] and Rules 12b-20, 13a-1, 13a-11, and 13a-13 thereunder [17 C.F.R. §§ 240.12b-20, 240.13a-1, 240.13a-11, and 240.13a-13];

(d) orders the SCANA Defendants to pay disgorgement plus prejudgment interest thereon in the amount of \$112.5 million, with the SCANA Defendants’ obligation to pay disgorgement and prejudgment interest deemed fully satisfied by the approximately \$117 million paid in satisfaction of claims in *Richard Lightsey, et al., v. SCE&G, SCANA, and the State of South Carolina*, No. 2017-CP-25-00335 (S.C. Ct. of Comm. Pleas filed Aug. 14, 2017), and the approximately \$192.5 million to be paid in satisfaction of claims in *In re SCANA Corp. Sec. Litig.*, No. 3:17-CV-2616-MBS (D.S.C. filed Sept. 27, 2017); and

(e) orders Defendant SCANA Corporation to pay a civil penalty in the amount of \$25 million under Section 21(d) of the Exchange Act [15 U.S.C. § 78u(d)] and Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)].

4. As a result, the SEC respectfully requests that the Court enter the attached Final Judgment against the SCANA Defendants.

5. The SEC's claims against Marsh and Byrne remain ongoing.

Dated: December 2, 2020

Respectfully submitted,

PETER M. MCCOY JR.
United States Attorney

By: /s/ Beth C. Warren
JAMES LEVENTIS (#9406)
BETH C. WARREN (#11360)
Assistant United States Attorneys
1441 Main Street, Suite 500
Columbia, South Carolina 29201
Telephone (803) 929-3037
E-mail: beth.c.warren@usdoj.gov

M. Graham Loomis
Harry B. Roback
John O'Halloran
U.S. Securities and Exchange Commission
950 East Paces Ferry Road, NE, Suite 900
Atlanta, GA 30326
(404) 942-0690 (Roback)
robackh@sec.gov